



DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff **Scott Mittelstadt** Chief Deputy

July Sheriff Column – Huber Law

The State of Wisconsin has a work release program authorized under Statute 303.08 called the Huber Law. It states, any person sentenced to a county jail for crime, nonpayment of a fine or forfeiture, contempt of court or subject to a confinement sanction in certain circumstances, or a probationer detained in a county jail meeting certain criteria may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

- a. Seeking employment or engaging in employment training
- b. Working at employment
- c. Performing community service work under certain circumstances
- d. Conducting any self-employed occupation
- e. Attending court proceedings
- f. Attendance at an educational institution
- g. Medical treatment
- h. Obtaining counselling or therapy
- i. Attending an assessment for counselling or therapy
- j. Attending parenting education
- k. Meeting with a person's probation/parole officer

This privilege is not authorized by the Sheriff, but is approved by a judge at sentencing. The Sheriff's ability to deny Huber privilege is limited. When an inmate commits a jail rule violation, the Sheriff can suspend Huber for only 5 days. When the jail deems additional sanctions are necessary, the only option is to petition the court for revocation of Huber.

Unfortunately, from time to time, there are Huber inmates who choose not to return from preauthorized work or appointments. When this happens, they commit a new crime of "Escape" under statute 946.42. The Dodge County Sheriff's Office has chosen to implement a new policy making these walk aways public to seek assistance in locating those who have made their choice to not follow the rules.

This does not mean that there is a problem with our jail, but more accurately, there is a problem with the inmate's poor decision-making. It will most certainly ensure being charged with escape and we will recommend that the court revoke their Huber privilege.

Furthermore, when a Huber inmate is released for work, they are no longer in our custody. It is not feasible for us to send a correctional officer out with these inmates. We do not have the staffing or the funding necessary to sit with someone while they are at work for an 8 or 12 hour shift. Since most Huber inmates return as they are supposed to, this

would be a huge waste of taxpayer dollars. In the past, we have had GPS bracelets on Huber inmates. One in particular, cut it off leaving the GPS outside the jail before he took off rendering the GPS unit useless in that situation. We do, however, go out and conduct random checks of these inmates to ensure they are complying with their rules and they are where they are supposed to be.

I assure you that the Dodge County Sheriff's Office does everything possible to ensure compliance with the Huber laws that are in place. Overall, it is a great program for inmates to keep their job and be productive members of society. Most inmates appreciate the opportunity given to them and respect the rules. Unfortunately, just like anything else, some take advantage of the system and eventually it will catch up with them.

I am hopeful that you have a better understanding of the Huber law and the position of the sheriff's office. I hope that our public policy will discourage this behavior in the future. We appreciate the assistance of the public in holding accountable those who make that decision to live outside of the law as we work together to keep Dodge County a safe place to live, work and visit.

Sheriff Dale J. Schmidt